

**REMARKS/ARGUMENTS:**

Claims 1-17 and 22-26 are presently pending. Claim 23 has been cancelled solely to expedite prosecution without prejudice or disclaimer. Claim 26 has been amended solely to expedite prosecution without prejudice or disclaimer. Accordingly, claims 1-17, 22, and 24-26 will be pending upon entry of the instant amendments. *No new matter has been added.*

Moreover, amendment and/or cancellation of the claims during pendency of the application are not to be construed as acquiescence to any of the objections/rejections set forth in any Office Action, and were done solely to expedite prosecution of the application. Applicants submit that claims were not added or amended during prosecution of the instant application for reasons related to patentability. Applicants reserve the right to pursue the claims as originally filed, subsequently amended or added, or similar claims, in this or one or more subsequent applications.

**Claim Rejections under 35 USC §112****Rejection of Claims 23 and 26 under 35 USC §112, First Paragraph**

Claims 23 and 26 stand rejected under 35 USC §112, first paragraph. In particular, the Office Action indicates on page 2 that “the specification, while being enabling for a method of treating **colorectal cancer**, does not provide enablement for a method of treating hyperproliferative diseases or other cancers.”

Applicants respectfully disagree. However, solely in order to expedite prosecution, Applicants have cancelled claim 23, and have amended claim 26 to recite only **colorectal cancer**, for which the Examiner has admitted the instant specification provides enablement. Again, Applicants reiterate that Applicants reserve the right to pursue these claims as originally filed, subsequently amended or added, or similar claims, in this or one or more subsequent applications.

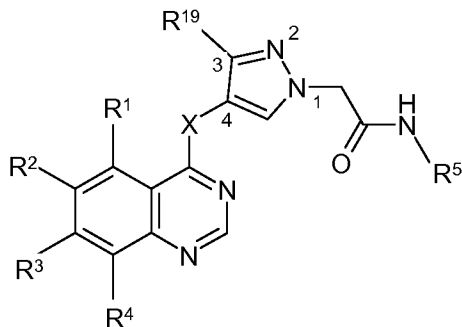
As such, Applicants respectfully request withdrawal of the rejection of claims 23 and 26 under 35 USC §112, first paragraph, and favorable reconsideration.

### Nonstatutory Obviousness-Type Double Patenting

#### Rejection of Claims 1-17 and 22-26 under Nonstatutory Obviousness-Type Double Patenting

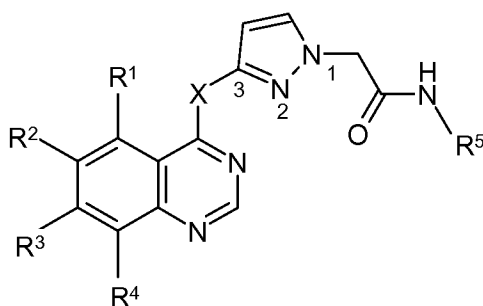
Claims 1-17 and 22-26 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting. The Examiner has suggested that claims 1-24 of co-pending application 10/599,328 (101091-1P US) is not patentably distinct because the two applications overlap when R<sup>9</sup> of the instant formula I is hydrogen.

Applicants disagree and traverse this rejection. Applicants respectfully point out that the Examiner's analysis is not accurate. ***There is no overlap between these applications as they relate to different structural isomers of pyrazole-quinazoline derivatives.*** In this regard, the instant application discloses compounds of formula (A) shown below where the pyrazole is linked to the quinazoline through X at ring atom 4 (atom number indicated below):



formula (A)

whereas co-pending application 10/599,328 discloses compounds of formula (B) shown below, where the pyrazole is linked to the quinazoline through X at ring atom 3 (atom number indicated below).



formula (B)

This different physical arrangement/geometry of the pyrazole atoms in space is a clear distinction between the two applications. Moreover, as there is no overlap between these two applications, these applications relate to patentably distinct subject matter.

Accordingly, Applicants respectfully request withdrawal of the provisional rejection of 1-17 and 22-26 on the ground of nonstatutory obviousness-type double patenting, as improper, and favorable reconsideration.

#### **Request for Phone Interview**

Once the Examiner has had an opportunity to review the comments made herein, Applicants respectfully request a phone interview in order to discuss any final details that may help result in an allowance of the application with all pending claims.

**CONCLUSION**

Applicants respectfully request favorable reconsideration and allowance of all pending claims. Passage of the instant application to issuance is earnestly solicited. As noted above, if a telephone conversation with Applicants' attorney would help to expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at the telephone number below.

Applicants do not believe any fees are presently due, however, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 101015 – 1P US.

Respectfully submitted,

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